

MARY LU LARSON,)	AGBCA No. 2003-151-2
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

July 17, 2003

Opinion for the Board by Administrative Judge VERGILIO.

On February 19, 2003, the Board received a notice of appeal from Mary Lu Larson of Winthrop, Washington (contractor), involving the respondent, the U. S. Department of Agriculture, Forest Service. The contractor had filed a claim with the contracting officer to recover for equipment and services provided for firefighting at the Missionary Ridge fire, Durango, Colorado, in June and July 2002, with Region 2 of the Forest Service. The notice of appeal, seeking to recover \$38,455.00, was filed based upon a deemed denial of the claim, given that the contracting officer had not issued a decision and more than sixty days had elapsed from receipt of the claim. The contractor sought to be paid pursuant to the terms and conditions of its 2002 Emergency Equipment Rental Agreement entered into with Region 6 of the Forest Service. The contractor asserted that Region 2 of the Forest Service engaged the contractor's equipment and services pursuant to that agreement.

The Board has jurisdiction over this timely-filed appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended (CDA).

Following receipt of a contracting officer's decision, on March 27, 2003, the contractor elected to proceed utilizing the Board's small claims procedure, which results in a decision by one judge. The decision is final and conclusive and shall not be set aside except in cases of fraud; although it binds the parties, it shall have no value as precedent. 41 U.S.C. § 608; Rule 12.2.

Following the submission of the appeal file and supplement, complaint and answer, the presiding judge engaged the parties in telephone conferences during which the factual and legal issues were discussed, with the presiding judge indicating the contractor's entitlement and the quantum supported by the informally-developed record. Thereafter, as indicated in a letter received by the Board on July 15, the parties entered into a settlement agreement which fully resolves this dispute. The contractor requests that the appeal be dismissed with prejudice.

DECISION

Given the settlement and request, the Board dismisses with prejudice this matter.

JOSEPH A. VERGILIO

Administrative Judge

Issued at Washington, D.C.

July 17, 2003